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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,286	09/16/2003	Shan-Jang Chen	MR1035-1309	9820

4586 7590 06/28/2005

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,286	Applicant(s) CHEN ET AL.	
	Examiner Daniel J. Chung	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,14,15 and 19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,7,14,15 and 19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1,7,14-15 and 19 are presented for examination. Claims 2-6,8-13,16-18 and 20 have been cancelled by the amendment filed on 4-26-2005. This office action is in response to the amendment filed on 4-26-2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7,14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong (US 2003/0095152) in view of Hinton (5,923,407) and Iizuka et al (US 2002/0168176), and further in view of Nishimura et al (6,816,870).

Regarding claim 1, Fong discloses that the claimed feature of a digital photo frame comprising: a storage unit [404,410,412] for storing picture and music data; a digital processing unit [402] for processing picture and music data in storage unit ; a display unit [458] for displaying picture data processed by digital processing unit and [digital outer frame patterns of digital photo frame; a sound reception and playback unit used to receive sound and play music and convert the received sound into digital music data through digital processing unit, sound reception and playback unit being also used

to store digital music data into storage unit and play music data processed by digital processing unit; a control software stored in storage unit and executed by digital processing unit, control software being used to select a picture to be displayed from storage unit and set a matching music for each picture and automatically play the matching music according to the displayed picture, control software being responsive to a user input to select digital outer frame pattern of digital photo frame to be displayed;] a control input unit [416,418] for a user to provide an input to control software to control digital photo frame, control input unit being composed of at least more than one key [208] located on digital photo frame (See Fig 4, Abstract, [5-6])

Fong does not specifically disclose that selecting digital outer frame pattern of digital photo frame by user using control software, as recited in claim. However, such limitation is shown in the teaching of Hinton. [i.e. controlling of the image borders] (See Abstract, Fig 2-5, col 1 line 40-60) It would have been obvious to one skilled in the art to incorporate the teaching of Hinton into the teaching of Fong, in order to effectively provide the digital photo frame with fancy effect by user preferences , as such improvement [i.e. controlling picture border] is also advantageously desirable in the teaching of Fong for displaying digital images with image effect in user friendly manner.

Also, the combination of Fong and Hinton do not explicitly disclose that “the sound reception and playback unit used to receive sound and play music” and “control software used to set a matching music for each picture and automatically play the

matching music upon the displayed picture”, as recited in claim. However, such limitations are shown in the teaching of Iizuka et al. [i.e. sound/playback units with synchronizing the displayed picture and played music. (See Abstract, Fig 1-2,[2],[5-6],[10-14]) It would have been obvious to one skilled in the art to incorporate the teaching of Iizuka into the teaching of Fong, in order to provide an enhanced display [i.e. aural and visual images] with easy manner, as such improvement is also advantageously desirable in the teaching of Fong for generating improved digital images frame with high degree of the user’s image/photo perception at optimized manner.

Furthermore, Fong does not explicitly disclose that “a time unit coupled to digital processing unit for providing time of day data to be displayed with picture data, time unit including an alarm clock function wherein time unit is settable to a specific time for playing music through sound reception and playback unit”, as recited in claim. However, such limitations are shown in the teaching of Nishimura et al. [i.e. ‘time displaying’, ‘alarm setting’] (See Fig 1, Fig 28-32, col 14 line 62, col 15 line 6, col 29 line 46-56, col 33 line 38-col 34 line 8) It would have been obvious to one skilled in the art to incorporate the teaching of Nishimura et al into the teaching of Fong, in order to provide optimized way for giving a temporal responsiveness to user, as such improvement is also advantageously desirable in the teaching of Fong for displaying digital image with detailed time indication at easy manner.

Regarding claim 7, Fong discloses that sound reception and playback unit is composed of a microphone and a loudspeaker, digital processing unit converting audio signals from microphone to digital music data and storing converted digital music data in storage unit for playback with at least one picture. (See [21-21],[24])

Regarding claim 14, Fong claim 14 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 14. In addition, refer to the discussion for the claim 1 hereinabove, Nishimura et al discloses that a clock unit coupled to digital processing unit for generating time of day information for display through display unit, display of time of data information being an analog clock display overlaying a simultaneously displayed picture. (See Fig 1, Fig 28-32, col 14 line 62, col 15 line 6, col 29 line 46-56, col 33 line 38-col 34 line 8)

Regarding claim 15, Fong discloses that clock unit has an alarm clock function, and clock unit is settable to a specific time for playing music through sound playback unit. (See [38])

Regarding claim 19, refer to the discussion for the claim 1 hereinabove, Nishimura et al further discloses that clock display is semi-transparent. (See Fig 1, Fig 28-32)

Response to Arguments/Amendments

Applicant's arguments with respect to claims 1,7,14-15 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to

Art Unit: 2672

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
June 10, 2005



**MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**